

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS WELFARE AND)
PENSION FUNDS,)

Plaintiffs,)

v.)

RISKUS & GRANDT, INC.,)
an Illinois corporation not in good standing,)

Defendant.)

No. FILED: APRIL 3, 2008

08CV1905 PH

Judge JUDGE COAR

MAGISTRATE JUDGE SCHENKIER

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, RISKUS & GRANDT, INC. an Illinois corporation not in good standing, as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Funds as described in Paragraph 2, are administered and 185(c).

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreements previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. (a) RISKUS & GRANDT, INC. an Illinois corporation not in good standing, employs employees represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) RISKUS & GRANDT, INC. is an Illinois corporation not in good standing, with its principal place of business at Chicago, Illinois.

(c) RISKUS & GRANDT, INC. an Illinois corporation not in good standing, is an employer engaged in an industry affecting commerce.

4. RISKUS & GRANDT, INC. an Illinois corporation not in good standing, entered into Agreements with Teamsters 179 for periods from February 1, 2006 through the present which require contributions to the Funds pursuant to 29 U.S.C. 1145.

5. Pursuant to the terms of the contract and the trust agreements establishing the Funds, Employer is required to make its books and records available to the Funds for audit.

6. The Funds have attempted to obtain the books and records of the Defendant for an audit for the period February, 2006 through December, 2007. The Funds' auditor has written and repeatedly telephoned the company and received no response.

7. Without an order directing an audit be performed and delinquencies paid thereunder, Plaintiffs are unable to fulfill their fiduciary duties under the Plan.

8. The amount presently due cannot be ascertained without an audit.

WHEREFORE, Plaintiffs pray:

A. That the Court order an audit of Defendant's books and records for the period February, 2006 through the present to determine the actual amounts due and owing.

B. That judgment be entered against the corporation and in favor of the Plaintiffs in the amount shown to be due under the audit.

C. That the Plaintiffs be awarded all relief provided for under 29 U.S.C. 1132(g)(2) including interest, 20% liquidated damages, costs and attorneys' fees.

D. That the Court enjoin the corporation from operation without making the Fund whole for its past delinquencies, and the grant of security for its current contributions.

E. Such other relief as the Court may deem appropriate..

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By: _____

One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

Riskus & Grandt Inc.

TEAMSTERS LOCAL 179

An Affiliate of the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

OWNER OPERATOR / AREA CONSTRUCTION AGREEMENT



JUNE 1, 2006 THROUGH MAY 31, 2009

MAR. 1. 2006 2:30PM TEAMSTERS LOCAL 179

NO. 419 P. 9

FOR NON-ASSOCIATION EMPLOYERS

FOR TEAMSTERS LOCAL 179

BY: Thomas A. White
 TITLE: President
 DATE: 2/3/06

FOR THE COMPANY

COMPANY: RISKUS & GRANDT
 ADDRESS: 1119 W. 4TH Place
Chicago IL 60609
 City State Zip
 PHONE: 773-837-0988
 FAX: 773-837-2065
 BY: Joseph V. Grandt
 TITLE: Owner
 DATE: 2-1-06

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ADDENDUM 1.
 Uniform Drug/Alcohol Abuse Policies

Statement of Teamsters

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 Drug/A
 Federal
 require
 Depart
 Transp
 Constr

Joseph Grandt
 353-58-6694

It
 Empl
 shall
 Article

PARTY OF THE FIRST PART:

Contractors Assn. WGC
 Company

By: Tina B Gray
 By:

PARTY OF THE SECOND PART:

Teamsters Local 179
 Union

By: Thomas A. White
 By:

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